

Frequently Asked Questions

The *Personal Health Information Act (PHIA)* is Nova Scotia's health privacy law that governs how regulated health care professionals and organizations collect, use, disclose and maintain personal health information. *PHIA* comes into force on June 1, 2013.

For your privacy questions,
contact

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Q1. What is the *Personal Health Information Act (PHIA)*?

A1. *PHIA* is the law that sets out rules for how your health information will be collected, used, disclosed, retained, and destroyed by custodians in Nova Scotia. *PHIA* will apply when the Act comes into force in 2013.

Q2. Who is a custodian?

A2. According to the *PHIA* and its regulations the following are custodians:

- a regulated health professional or a person who operates a group practice of regulated health professionals;
- the Minister of Health and Wellness;
- a district health authority under the *Health Authorities Act*;
- the Izaak Walton Killam Health Centre (IWK);
- the Review Board under the *Involuntary Psychiatric Treatment Act*;
- a pharmacy licensed under the *Pharmacy Act*;
- a continuing-care facility licensed by the Minister under the *Homes for Special Care Act* or a continuing-care facility approved by the Minister;
- Canadian Blood Services;
- a Nova Scotia Hearing and Speech Centre;
- a home care agency that is approved by the Department of Health and Wellness, and has a service agreement with a district health authority or the IWK; and
- a home oxygen agency that is approved by and has a service agreement with the Department of Health and Wellness.

Examples would include doctors, dentists, licensed nursing homes, hospitals, and the Department of Health and Wellness.

Q3. What is your personal health information?

A3. Personal health information is information that custodians collect to help make decisions about your healthcare. Your personal health information may include information about your condition or treatment, or financial information related to your eligibility for services and benefits. It may include information about your family's health history.

Q4. What is health care for the purposes of PHIA?

A4. Health care under *PHIA* means an observation, examination, assessment, care, service or procedure in relation to an individual that is carried out, provided or undertaken for health-related purposes.

Q5. Are there instances in which personal health information will not be covered by the *Personal Health Information Act*?

A5. Yes - if your personal health information was collected for a purpose not related to health care, this law would not protect it. For example, medical information collected by your employer would be covered by other privacy laws.

Q6. How do custodians protect my personal health information?

A6. Custodians are required to follow information practices that protect the privacy and confidentiality of your personal health information. These include administrative, technical and physical safeguards for both paper and electronic records.

Q7. What are my rights under PHIA?

A7. You have a number of rights under *PHIA* which include the following:

1. **Access to your information**– You can request to view or receive a copy of your personal health information. The custodian has the right to charge a fee for this service, as outlined in the fee schedule set out in regulation. The custodian may waive the fee in certain circumstances.
2. **Ask to make corrections** – You can request, in writing, that the custodian correct the record. The custodian must respond to you in writing within 30 days. If you are not satisfied with the response, you can file a complaint with the Review Officer.
3. **Record of user activity** – If your information is held in an electronic information system you can request a record of user activity. A record of user activity is a history of who has accessed your electronic record.
4. **File a complaint** – You may make a complaint to a custodian about any aspect of the custodian's conduct in relation to the privacy provisions of



PHIA (e.g. consent, substitute decision maker, collection, use, disclosure and practices to protect your personal health information).

5. **Request a review** - You may also ask the Review Officer to conduct a review if a custodian has refused access to your personal health information or to make a correction to your personal health information which you requested.

Q8. Can my information be used for research purposes?

A8. The *Act* allows for the use of personal health information for research purposes only under well-defined and strict conditions including research ethics board approval of the research proposal.

Q9. Does *PHIA* include fines and penalties?

A9. Yes - if a person is found guilty of collecting, using, disclosing or gaining or attempting to gain access to health information in contravention of the *Act* and regulation, fines can be levied against individuals and organizations.

For more information, contact:

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